

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

PRIMITIVO ROBLES, individually and
on behalf of all others similarly situated,

Plaintiff,

-against-

LAMBSBREATH, LLC
d/b/a LAMB'S BREAD DISPENSARY

Defendants.

NOTICE OF MOTION

CASE NO.: 1:24-cv-07501

TO THE DEFENDANT, LAMBSBREATH, LLC, d/b/a LAMB'S BREAD DISPENSARY:

NOTICE IS HEREBY GIVEN that on the date and time to be provided by the Court, or as soon thereafter as the matter may be heard, PRIMITIVO ROBLES, ("Plaintiff"), will present his application under Rule 55(b)(2) of the Federal Rules of Civil Procedure, for entry of default judgment against LAMBSBREATH, LLC, d/b/a LAMB'S BREAD DISPENSARY: ("Defendant"), as further set forth in the attached proposed default judgment. The application will be made to this Court at the United States District Courthouse, located at 500 Pearl Street, New York, New York 10007-1312, in a room, the number of which is to be provided by the Court.

At the hearing, the Plaintiff will show the following:

1. The Defendant has failed to appear in this action.
2. Default has been certified against the Defendant on January 8, 2025 [Doc. No. 17], pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for failure to file an answer, or otherwise move, with respect to the Plaintiff's complaint.
3. The Plaintiff is entitled to judgment in the amount to be shown in the Declaration of Attorney's Fees and Costs.
4. The Defendant is a legal entity, specifically a corporation, rather than a natural person, and is therefore not currently serving in the military, as evidenced by the attached Declaration Regarding Military Status.
5. The Defendant is not a minor or an incompetent person.

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This Motion is based on this Notice of Motion, the accompanying declarations, the Memorandum of Law in Support of Default Judgment, exhibits and all of the pleadings and papers on file in this action.

New York, New York
January 31, 2025

JOSEPH & NORINSBERG, LLC

Sincerely,



Arjeta Albani, Esq.
Attorney for Plaintiff
110 East 59th Street, Suite 2300
New York, New York 10022
Tel. No.: (212) 791-5396
Fax No.: (212) 406-6890
arjeta@employeejustice.com

CERTIFICATE OF SERVICE

I certify that on January 31, 2025, I filed the foregoing Notice of Motion with the Court via CM/ECF, which caused notice to be served upon all e-filing attorneys of record. On the same date I also served the following, via United States Postal Service Priority Mail, with signature confirmation, postage prepaid:

Lambsbreath, LLC Manhattan Store
2128 2nd Ave,
Manhattan, NY 10029
(646) 249-4643; 646-649-3023
info@lambsbreaddispensary.com

Lambsbreath, LLC, Yonkers Store
1173 Yonkers Avenue
Yonkers, New York 10704

(The Defendant presently conducts business at two different addresses located in Yonkers, New York, and New York County, Their registered agent is listed as the Secretary of State in the Corporation & Business Database maintained by that government agency for this Defendant.)